IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR
S.B. Civil Writ Petition No.3455/07
Jugal Kishore Vs. Motor Accident Claims Tribunal, Jaipur

25.5.2007

Hon'ble Mr. Justice Mohammad Rafiq

Smt. Sangeeta Sharma for petitioner.
Shri Virendra Agarwal for respondent.

Heard learned counsel for the parties.

The petitioner has challenged the order dated 18.4.2007 passed by Motor Accident Claims Tribunal, (Additional District Judge (Fast Track) No.8, Jaipur City Jaipur and has prayed that direction should be given for payment of the FDR No.3133133 dated 23.11.2006 for a sum of Rs.2,50,000/- deposited with State Bank of Indore, Station Road, Jaipur together

with interest to the petitioner.

The petitioner sustained certain injuries on 23.12.2002 and on his claim petition, the Tribunal while award dated 5.10.2006 awarded a sum of Rs.3,32,791/- and the aforesaid amount was kept in FDR with the bank under the direction contained in that award. Learned counsel for the petitioner submits that on account of nature of injuries, the petitioner has been advised immediate operation. The doctor has estiamted the expenditure of Rs.70,000/- and besides that he also required medicines and continued treatment. In those facts, the application moved by the petitioner before the Tribunal was rejected. In support of his contentions, the learned counsel for the petitioner has relied on

the judgment in Teej Devi (Smt.) Vs. The Judge, MACT, Jaipur, 2006 R.A.R. 242 (Raj.).

Having heard the learned counsel for the parties and perused the material on record, I consider it appropriate that the petitioner who is major and when he requires the money for his treatment, the Tribunal was not justified in only partially accepting his prayer for granting payment of only Rs.70,000/- out of the total payable amount of Rs.2,50,000/-. The petitioner being a major, unlike in the other cases any investment is made in the name of minors for their welfare, payment of the FDR cannot be denied to the petitioner more particularly when he required the amount for his treatment which was the reason

for his filing the claim petition.

In the facts of the case, the petition is allowed and it is directed that the entire amount of the aforesaid FDR kept with State Bank of Indore, Station Road, Jaipur for the sum of Rs.2,50,000/- shall be paid together with interest to the petitioner within two weeks from the date the certified copy of this order is produced before the said bank.

(Mohammad Rafiq),J.

Rs/-